

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )

MUR 6068 )

ARCURI FOR CONGRESS AND )

MATT SISTI, AS TREASURER )

**CASE CLOSURE UNDER THE  
ENFORCEMENT PRIORITY SYSTEM**

**GENERAL COUNSEL'S REPORT**

Under the Enforcement Priority System, matters that are low-rated

are forwarded to the Commission with a recommendation for dismissal. The

Commission has determined that pursuing low-rated matters compared to other higher rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss these cases.

In this case, the complainant, Greg Rigby, alleges that Arcuri for Congress and Matt Sisti, in his official capacity as treasurer ("Committee"), along with candidate Michael Arcuri, violated the Federal Election Campaign Act, as amended, and Commission regulations by failing to include the required "Paid for by Arcuri for Congress" disclaimer on a fundraising solicitation mailed to potential contributors.

In its response, the Committee acknowledged that its fundraising solicitation lacked the required disclaimer under 11 C.F.R § 110.11. The Committee explained that the error was the result of a miscommunication between the Committee and the volunteer hosts of a particular fundraiser. The Committee claims to have now adopted procedures and policies to ensure that such an error will not occur again.

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Accordingly, in light of the relatively low level of activity that appears to have been at issue in MUR 6068, and in furtherance of the Commission's priorities and resources, relative to other matters pending on the Enforcement docket, the Office of General Counsel believes that the Commission should exercise its prosecutorial discretion and dismiss this matter. *See Heckler v. Chaney*, 470 U.S. 821 (1985). Additionally, this Office recommends that the Committee and its treasurer, in his official capacity, be cautioned that their conduct related to their failure to affix the appropriate disclaimer to the fundraising solicitation could have violated the disclaimer requirements under 2 U.S.C. § 441d and 11 C.F.R. § 110.11.

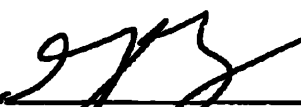
**RECOMMENDATION**


The Office of General Counsel recommends that the Commission dismiss MUR 6068, send a cautionary notification to Arcuri for Congress and Matt Sisti, in his official capacity as treasurer, close the file, and approve the appropriate letters.

Thomasenia P. Duncan  
General Counsel

3/9/09  
Date

BY:

  
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